

Small Business Regulatory Review Board

MINUTES OF REGULAR MEETING

January 14, 2003

No. 1 CAPITOL DISTRICT BUILDING ROOM 436

CALL TO ORDER: Chair Katsumi Tanaka called the meeting to order at 11:15 a.m., with a quorum present.

MEMBERS PRESENT:

- Katsumi Tanaka,
Chair
- Sidney Quintal
- Robert Speers,
Ph.D.
- Nolan Ahn
- Warren Orikasa
- Denise Walker
- Phyllis Shea
- Toni Davis
- Carolann Guy
- Dennis Okihara

ABSENT MEMBERS:

- Al Inoue

STAFF: DBEDT:

Tom Smyth
Dori Palcovich

Office of the Attorney General

Linden Joesting

GUESTS: None

WORKING LUNCH AS THE MEETING PROGRESSED

APPROVAL OF MINUTES: Minutes of the December 10, 2002 meeting were amended and approved.

PUBLIC COMMENTARY: None

OLD BUSINESS:

- Review and Decision of Correspondence dated December 19, 2002 from Christine Paul and Thomas Russi of TLC Cleaning – Ms. Walker discussed the Board's history with TLC Cleaning as well as recent conversations with Board member, Mr. Inoue, who is familiar with the company's circumstances. It was decided that the Board will send a letter to Ms. Paul and Mr. Russi thanking them for their correspondence regarding their concerns with the County of Hawaii, advising them that the Board's position remains the same as it did previously, and that the Board regrets that it cannot assist them any further regarding their claim with the County of Hawaii.
Board Action: Supported
- Review of Correspondence dated December 12, 2002 to Glenn M. Okimoto, Interim Director, Department of Transportation (DOT) – Mr. Quintal reported that although Mr. Okimoto did not respond to this letter, the taxi management concession bidding process was postponed until Governor Lingle's new administration can review the State's procurement processes and procedures. Mr. Quintal will be meeting with Mr. Davis Yogi, Airports Administrator, Airports Division at DOT. Mr. Quintal will keep the Board informed on a regular basis.
Board Action: None

- Discussion of Proposed Legislation – Dr. Speers reported that the Legislative Investigative Subcommittee has met three times since the last Board meeting and discussed a number of ideas and several possibilities to present to the Board. One idea is to create a “reference vehicle” such as a formal statement or a “Bill of Rights.” The Bill of Rights’ general concept is to give small business basic rights of due process. Much discussion from the Board ensued. Mr. Smyth discussed the introduction of a Texas Bill relating to small business along Dr. Speers’ concerns. If the Board wanted to propose a Bill of Rights, the deadline to present bills to the State legislature is January 24, 2003. After much discussion, it was recommended that Dr. Speers will spearhead drafting and introducing a “short form” bill relating to a “Bill of Rights for Small Business.”

Mr. Smyth discussed the history of the Regulatory Flexibility Act (RFA) and the small business defender. As the deadline to submit “administrative” bills is January 22, 2003, after much discussion, it was voted to approve the proposed RFA bill as presented.

Board Action: Supported

NEW BUSINESS:

- Discussion of internal SBRRB Procedures – Two changes to the 2003 Board schedule were made, the February 11, 2003 meeting will be held in room 436 and will not be a joint meeting with the Chamber of Commerce of Hawaii’s Small Business Council; the November 11, 2003 meeting is rescheduled for Wednesday, November 12, 2003.

- Discussion and Decision of SBRRB Draft Brochure and Draft Annual Report – With a few minor changes, both the SBRRB brochure and annual report were approved by the Board.

Board Action: None

- Discussion and Review of State of Hawaii Procurement Processes – Ms. Joesting distributed a handout and reported various findings regarding the State’s procurement processes. Various chapters were discussed, along with specific rules for specific agencies, with some areas exempt from State procurement processes. There are several State websites available on procurement. Ms. Joesting further indicated that a “set aside” for small business can be done through the legislature. Much discussion ensued among the Board. Chair Tanaka indicated that the Board needs to be very attentive to the State’s procurement processes as it specifically relates to small business. He further indicated that the Board needs to determine whether “issues at hand” are management or regulatory issues. Ms. Walker indicated that the State’s bidding process needs to be reviewed. A motion was made to create a group for the procurement process as an ongoing project. The initial group will consist of Ms. Walker, Mr. Tanaka, and Mr. Ahn. In addition, a representative from the State’s Procurement Office will be asked to speak at one or more of the Board’s meetings.

Board Action: Supported

ANNOUNCEMENTS

- Mr. Smyth announced that a 5% budget cut from discretionary funds in the Department of Business, Economic Development and Tourism (DBEDT) was announced. DBEDT may need to be creative and may consider providing advance air for travel for neighbor island members to attend future board meetings or using video conferencing, etc. Mr. Smyth also indicated that Mr. Ted Liu, DBEDT’s new director, is unable to attend today’s Board meeting, but will be present at the February meeting.
- Next Board Meeting – Tuesday, February 11, 2003, 11:00 a.m. – No. 1 Capitol District Building, 250 South Hotel Street, 4th Floor, Conference Room 436

ADJOURNMENT: Chair Katsumi Tanaka adjourned the meeting at 2:45 p.m.